Supreme Court, U.S.
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CASE NO. 95-542

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1994

RICHARD EDWARD LEON, SR.

Petitioner,

versus

THE SUPREME COURT OF FLORIDA and
THE FLORIDA BOARD OF BAR EXAMINERS

Respondent.

ON PETITION FOR WRIT OF CERTIORARI
TO
THE SUPREME COURT OF FLORIDA

APPENDIX
VOLUME TWO

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DOCUMENT 9

Excerpts from Transcript

Testimony of Honorable James A. Arnold
Pages 54-59

* * *

MR. MILLER: Would you please be sworn in?

HONORABLE JAMES A. ARNOLD,

the witness herein, being first duly sworn on oath was questioned and testified as follows:

MR. MILLER: State your name and occupation for the record, please.

THE WITNESS: My name is James David Arnold. And I'm a circuit judge in Hillsborough County, Florida.

MR. MILLER: Mr. Brown or Mr. Kinney?

MR. BROWN: Mr. Kinney.

BY MR. KINNEY:

Q. Do you know the Applicant in this case?

A. Yes, sir. I've known Richard Leon for I believe 26 years.

Q. And in what capacity have you known him?

A. Originally I met him in 1968 at a big backyard party when I was dating my wife. And it was socially at first. He was friends with my wife's family. And I would see him at various functions. Then in 1969 it was professionally when he represented

my wife and I when we were in an automobile accident where a gentleman ran a red light and hit our car. And at that time when I got to know him as an attorney/client relationship, I started to talk to him about law school. And he helped me along and gave me some advice. And I ended up applying to Cumberland Law School, where he went to law school. And he wrote letters of recommendation to help me get in. And after graduating, I've known him when he was on the bench.

Q. How long have you been a circuit judge?

A. I have been a circuit judge, I think it's four and a half years now. And prior to that I was a county court judge for five years. And prior to that I was in private practice for nine years. And prior to that I was an assistant state attorney for two years.

Q. Do you have an opinion as to the Applicant, former Judge Leon, his reputation in the community of Tampa, Hillsborough County, for honesty, truthfulness, ethics and good character?

A. Yes, sir, I do.

Q. And what is that opinion?

A. I think his reputation for truth and veracity and honest character in this community is excellent.

Q. Do you have an opinion as to his fitness and competency as a lawyer?

A. Absolutely. Not only having seen him practice law on the bench, but personally in representing me in a civil case.

Q. Do you in your contacts with the judge have a opinion as to whether he's accepted the legal consequences of his conviction?

A. Yes, sir, I do. I believe he has. He accepts his conviction, and the sentence he was given. And he's never demonstrated any ill will or bad feelings toward anyone who prosecuted him, or his sentence, or anything of that nature.

Q. Would you recommend him for admission to the Florida Bar?

A. Yes, sir, I would.

Q. Do you feel he would be a capable attorney and well qualified if accepted by the Bar?

A. I've known him in the past to be an excellent attorney, and I believe he would be a very capable and good attorney now.

MR. COXE:

BY MR. COXE:

Q. Your Honor, my name is Hank Coxe from Jacksonville.

A. Yes, sir.

Q. You testified that you feel his reputation in the community is excellent?

A. Yes, sir.

Q. What community are you referring to?

A. The legal community with respect to other lawyers that I know. The social community of people that I know that know Mr. Leon. I've heard lawyers talk about him. I've heard friends that I'm acquainted with talk about him, or are aware of his case and conviction.

Q. Do you share a feeling, from your knowledge -- let me ask you first, what knowledge do you have of the underlying facts that precipitated the perjury convictions?

A. I know he was charged with three counts, I believe. And eventually convicted of two counts. He was adjudicated, placed on five years probation, received a $5,000 fine, a thousand hours of community service. And I'm aware from when the case

arose, and when it went to trial, I didn't sit and watch the trial, but I was aware of what was going on.

Q. Have you ever discussed the facts yourself with Mr. Leon as to what was involved with Judge Merckle, Mr. Avery, Mr. Avery's daughter, et cetera?

A. We didn't personally discuss the facts, but I'm aware of what the facts were, that the allegation was that he had come down to talk to Judge Merckle concerning this girl.

Q. Do you have an opinion, and the only reason I ask you this is just to get to this, do you have an opinion or some understanding that Arden Merckle duped Mr. Leon in any way in this whole thing?

A. I have no opinion at all. I don't know.

MR. COXE: That's all I have, Mr. Chairman.

MR. MILLER: Ms. Schneider?

MS. SCHNEIDER: No questions.

MR. MILLER: Mr. Yates?

MR. YATES: No questions.

MR. MILLER: Mr. O'Neill?

MR. O'NEILL: Nothing.

MR. MILLER: Mr. Stewart?

MR. STEWART: No questions.

MR. MILLER: Mr. Cassel?

BY MR. CASSEL:

Q. Judge, are you testifying under subpoena?

A. Yes, sir. That's the only way I could testify.

MR. CASSEL: The record should show it.

MR. MILLER: Are there any other questions of this witness?

MR. KINNEY: No.

MR. MILLER: Thank you, sir. You're excused.

* * *

DOCUMENT 10

Excerpts from Transcript:

Testimony of Judge Sam Pendino
Pages 91-100

* * *

MR. MILLER: How many more witnesses do you have?

MR. BROWN: Well, we have Judge Pendino, who's still waiting. We have two factual witnesses. And the remainder of the witnesses are character. I don't think these will be as long as the other judges.

MR. MILLER: Will you be sworn in?

HONORABLE SAM PENDINO,

the witness, being first duly sworn on oath, was questioned and testified as follows:

MR. MILLER: Will you please state your name and your profession for the record?

THE WITNESS: My name is Sam Pendino. And I'm a circuit court judge here in the State of Florida, Hillsborough County.

MR. MILLER: Is that Candino?

THE WITNESS: Pendino. P-e-n-d-i-n-o.

MR. MILLER: Thank you, sir. Mr. Brown?

MR. BROWN: Mr. Kinney.

BY MR. KINNEY:

Q. Judge, prior to being a circuit court judge, were you a county court judge?

A. Yes, sir.

Q. And how long were you a county court judge?

A. I was a county court judge for six years. I was elected in 1984.

Q. And how long have you been on the bench?

A. Well, at the end of this year it will be 10 years. I was elected in 1984.

Q. And how long have you been on the circuit bench?

A. Well, at the end of this year it will be four years.

Q. How long have you known Dick Leon?

A. I've known him for approximately, well, at least 27 years. I want to say approximately 30 years. But 27, 28 years.

Q. Give us a little background as to your relationship with him, social or businesswise.

A. Mr. Leon was a friend of the family's. And occasionally we would have like an Easter party or Christmas party, and our families would attend. And this is where I met Mr. Leon.

Actually it was before law school. And I occasionally would see him at these parties, family gatherings, at my uncle's house. And he suggested at one time a particular law school, which I applied to, and which I ultimately attended. And then, of course, I became an attorney. And in private practice he had suggested to become a judge to me. And I again took his advice. And I'm a judge today. I basically know him through these family gatherings. His family would gather with my family, because evidently his family, his wife, his wife's, I think father and my uncle were nextdoor neighbors. And they would, together the two families would have a large family gathering. And that's basically where I would see him, and perhaps talk to him. And then, of course, as an attorney I would see him around the courthouse. And I saw him obviously when he was a judge on a couple of occasions.

Q. And you're aware of his having been disbarred?

A. I am. I was one of the attorneys that agreed to assist him in his defense when the charges were ultimately filed against him. I took on the responsibility or the assignment of the perjury charges. He had two perjury counts, I think. And from a legal standpoint I did a lot of research on that particular, on those

particular counts. And I did it, I think there were a group of attorneys and I did it as part of the group. There was no charge involved, or anything like that. It was just to help Mr. Leon.

Q. Since his disbarment, you've had contact with him, I presume, from what you just said. Has he accepted the legal consequences of his conviction, in your opinion?

A. He certainly has. He's accepted and suffered, you know.

Q. Do you have an opinion as to his character and moral standing and integrity in order to become a, be admitted to the Florida Bar?

A. I do.

Q. And what is that opinion?

A: My opinion is that if you would grant him the opportunity to again practice law here in the State of Florida, he will be an asset to the Bar and to the community. I have spoken, his general reputation in the community is excellent. Mr. Leon is what I would call a gentleman. And after all the people that I have contact with, and his name would come up, I have not had, me personally, perhaps y'all have spoken to other people -- but not one person says anything unpleasant or derogatory about Mr. Leon. He

would truly be an asset to the Bar and the community. That's my opinion.

Q. Do you feel that he intends to conduct himself in an honest fashion in the future if given an opportunity?

A. There's no doubt in my mind that he will. I can only gauge that by his past actions. He has conducted himself throughout these years as a professional, in a exemplary fashion. He's always expressed a desire to return to the practice of law, although I'm aware and familiar that he did attend medical school.

Q. Would you recommend him now to this Board for readmission to the Florida Bar?

A. With no reservations. I would highly recommend him for readmission to the Bar.

MR. KINNEY: Thank you.

MR. MILLER: Mr. Coxe?

BY MR. COXE:

Q. Your Honor, my name is Hank Coxe from Jacksonville.

A. Glad to meet you, sir.

Q. When you joined with other attorneys to assist Mr. Leon, did that include the benefit of meeting with Mr. Leon

himself to determine what the facts or his version of the facts were?

A. I personally did not meet with him regarding the facts from him.

Q. Mr. Gonzalez shared them with the other attorneys to assist?

A. Well, the other attorneys shared them with each other, yes, sir.

Q. And you have been on the bench for how long?

A. Approximately ten years. At the end of this year it will be ten years.

Q. And the circuit bench for how long?

A. County bench, six years. Circuit bench, three and a half years. It will be four years at the end of this year, sir.

Q. Have you sat in a criminal division since you have been in the circuit court?

A. Yes, I have.

Q. Let me briefly tell you what my experience has been on the criminal bench, not on the bench, but on the criminal process, and ask you if it's comparable in Hillsborough County.

A. All right.

Q. You understand the distinction between adjudicating someone guilty as opposed to withholding adjudication?

A. Yes.

Q. When someone is sentenced, if an order is ordered withholding adjudication, there are no fingerprints taken, is that correct?

A. I would think so.

Q. Now, you could, as a circuit court judge, place a person on probation after having adjudicated them guilty, correct?

A. Yes, sir.

Q. You could place a person on probation after having withheld adjudication of guilt, is that correct?

A. Certainly, yes.

Q. So the mere fact that someone is being fingerprinted does not in and of itself tell you that someone has not been put on probation, does it? It doesn't tell you anything about the sentence one way or the other, does it?

A. Just by looking at the fingerprinting of the person?

Q. Let me back up a second. Let me ask you this way. If you saw that a person in a circuit court proceeding either during or immediately after were being fingerprinted, correct, that in and of itself would tell you nothing about what the sentence imposed had been, would it?

A. Well, it would tell me something.

Q. Tell you that it had been adjudicated guilty?

A. Not necessarily. It would tell me that the person is being booked.

Q. Being booked?

A. Being --

Q. Have you adjudicated someone guilty and also placed the person on probation?

A. Yes.

Q. Now, is that person booked for some reason?

A. I'm trying to recall, because it's been about four years, four and a half years from the criminal bench. Sometimes at one point from what I recollect they were not fingerprinting everyone. And then later on the law changed, and then they started booking

anybody that was adjudicated, whether they went to jail or not. Right.

Q. So, my question is, the act of fingerprinting, right, tells you nothing about the sentence, correct?

A. Not necessarily. Not necessarily.

Q. In other words, seeing someone being fingerprinted does not mean to you that ipso facto, that the person is going to prison or going to jail or being put on probation, correct?

A. Correct.

MR. COXE: I have nothing further, Mr. Chairman.

MR. MILLER: Mrs. Schneider?

MS. SCHNEIDER: I have no other questions.

MR. MILLER: Mr. Yates?

BY MR. YATES:

Q. You represented Mr. Leon in connection with the perjury parts of the case, right?

A. Yes.

Q. And, in fact, the perjury charges didn't have anything to do with the statements that he'd made to Mr. McDonald in connection with the investigation, the JQC investigation, did they?

A. Quite frankly, I don't remember that far back. I know from a legal standpoint the argument and the research that we were doing was such that the statements that he made were not made under oath. And that was part of the facts, some of the facts that we were looking into. But quite frankly, sir, it's been a number of years since I really --

Q. So you wouldn't be surprised, then, to find out, because it's been a long time, you wouldn't be surprised to find out that the indictment actually did relate to statements made or allegedly made under oath before the JQC?

A. Well, it's not that I would be surprised. I'm aware obviously that he was convicted of the two counts of perjury. And obviously our motions to dismiss those two counts based on a legal argument were not successful. And yes, sir, I am aware of that.

MR. YATES: Thank you.

MR. MILLER: Mr. O'Neill?

MR. O'NEILL: I have no questions.

MR. MILLER: Mr. Stewart?

MR. STEWART: I have no questions.

MR. MILLER: Mr. Cassel?

BY MR. CASSEL:

Q. Judge, are you testifying under a subpoena this morning?

A. Yes, sir.

MR. CASSEL: I want the record to show that for you.

THE WITNESS: Thank you very much.

MR. CASSEL: I have no further questions.

MR. MILLER: Any further questions?

MR. KINNEY: No.

MR. COXE: No further questions.

MR. MILLER: Your Honor, you may be excused.

THE WITNESS: Thank you.

* * *

DOCUMENT 11

Excerpts from Transcript:

Testimony of Carl Neill
Pages 127-135

* * *

MR. MILLER: Will you be sworn in?

CARL NEILL,

the witness, being first duly sworn on oath, was questioned and testified as follows:

MR. MILLER: Sir, would you please state your name and your profession for the record?

THE WITNESS: My name is Carl Neill, N-e-i-l-l. And I'm retired.

MR. MILLER: Mr. Kinney?

BY MR. KINNEY:

Q. Prior to retirement, what did you do?

A. All righty. My main career, I was with the Department of Health and Rehabilitative Services in Tampa, primarily.

Q. How long would that have been?

A. For 31 years. And after that I retired and went to work for Senator Bob Graham as a staff assistant part-time in the Tampa office for about four and a half years. And then I retired altogether.

Q. What was your educational background?

A. I have a Bachelor's degree in journalism from Florida Southern College. A graduate's certificate in social work from Florida State University. Master's degree in social work from Tulane. And I did some graduate work at Harvard in management.

Q. Do you know Mr. Dick Leon?

A. Yes, I do.

Q. When did you first meet him?

A. I met Mr. Leon in 1983.

Q. And where did you meet him?

A. I met him in Tampa at the HRS office.

Q. And what was your connection with him thereafter?

A. Well, I was the district administrator for HRS in Hillsborough, Cook [Polk, sic], Hardee, Highland and Manatee Counties. And I received a call from Judge Green in Bartow, who asked me if we would, if I would provide an opportunity for Mr. Leon to work a thousand hours of community service in Tampa. And Judge Green was considering that at the time. And I told him that normally I wouldn't do that. But the staff members had so much respect for Mr. Leon that we would make an exception and

provide an opportunity for him to work with the agency for a thousand hours.

Q. And do you have a recollection of how long it took Mr. Leon to do those thousand hours?

A. Yes. It took him about six months.

Q. Was that normal or unusual?

A. No. He was very punctual. And applied himself fully. We had a problem with guardianship for people who were developmentally disabled, who had come into the state care. And their legal status was all messed up. We didn't have the legal time available to get the records straight to get the proper legal status assigned to each individual. So, we assigned him to that. And it was a full workload.

Q. And would you report to the court occasionally regarding his thousand hours of work?

A. Yes. I did not supervise him directly. But I supervised the attorney who supervised him. And we make periodic reports to Judge Green in Bartow.

Q. Now, after the termination of his one thousand hours, did you have any further contact with Mr. Leon?

A. Yes. Several months went by. And then he came to work for the agency with the Child Support Enforcement Division that we had at the time.

Q. And how long did he work for the HRS after his thousand hours were up?

A. He worked, I'm not sure, I think it was for a period of four or five months. He was in an automobile accident. And had to leave. Had to give up work at the time. And then I retired. And I'm assuming he never came back.

MR. KINNEY: You may inquire.

BY MR. COXE:

Q. I'm Hank Coxe from Jacksonville.

A. Yes, sir.

Q. Did Judge Green tell you why he would like Mr. Leon to work with your agency? Any reason for that?

A. I was familiar with what was going on.

Q. Go ahead.

A. I was familiar with it from reading the newspaper. That's all I knew about it. And until the time that Judge Green called me, I really didn't know what he was considering.

Q. When he called you, did he tell you why it was he was interested in Mr. Leon working with you or your agency?

A. I'm not sure. That's been like ten years ago. He indicated to me that he was considering a sentence. And that that would be part of the sentence. And asked me if he determined that, then would we be willing to do this. And so I told him that we would.

Q. So if I understand it correctly, Mr. Leon, he did the thousand hours?

A. Yes, sir.

Q. Then there's a several month gap, however long it was?

A. Yeah. I don't know how long. But it was a matter of months.

Q. Then he's back working employed by HRS?

A. In the child enforcement. Not in the same responsibility.

Q. In an umbrella agency?

A. Yes.

Q. How long was he there?

A. He was there four or five months before he got in an automobile accident and hurt, got his back hurt.

Q. After his accident, did he return to work for HRS?

A. No. He didn't come back.

Q. When was the last time you had any communication with Mr. Leon?

A. Well, I retired. And I didn't see him again for like five or six years, something like that.

Q. And you saw him again under what circumstances?

A. I had advertised a condominium for sale in Carrollwood Village area. And this lady called and asked us if she could come see it, which she did. And I never met her before. And she liked it. And I had moved to Lakeland. And she asked if she could bring her husband by to see the condo. And I said, sure. And we set a time for 7:00 o'clock. And here she comes, and she has Mr. Leon with her. And I didn't --

Q. Pure coincidence then?

A. I didn't know it was Mrs. Leon, frankly. She didn't tell me her name. And I had not seen him in maybe five, six, seven years.

MR. COXE: That's all I have.

MR. MILLER: Ms. Schneider?

MS. SCHNEIDER: No questions.

MR. MILLER: Mr. Yates?

MR. YATES: Nothing.

MR. MILLER: Mr. O'Neill?

MR. O'NEILL: No questions.

MR. MILLER: Mr. Stewart?

MR. STEWART: No questions.

MR. MILLER: Mr. Yates?

MR. YATES: May I ask one?

BY MR. YATES:

Q. So as far as you know, Mr. Leon didn't work any more for HRS than what was required to satisfy his sentence, is that right?

A. On the thousand hours?

Q. Yeah.

A. Right. He worked the thousand hours, with developmentally disabled.

Q. But he didn't work 2000 hours?

A. No. And I can't tell you he didn't work a thousand and ten. But he satisfied the expectations of, and the restrictions that Judge Green had put down.

MR. YATES: That's all.

MR. MILLER: Mr. Cassel?

BY MR. CASSEL:

Q. Mr. Neill?

A. Yes, sir.

Q. When Mr. Leon worked for HRS, was he paid?

A. No, sir.

Q. Not paid?

A. No. Not for the thousand hours. After he came back, he worked in child support, he was paid at that time. Yes, sir.

Q. Is it your experience that other people have spent time working in the HRS to do community work?

A. No. Not under, not under those judge's orders. That's the only one I'm ever familiar with. And as you know, HRS is not the best funded agency and the most highly staffed agency in the world. And it's not necessarily an add-on. But it takes a lot of time to supervise to make sure that someone is dong what they're

supposed to be doing under the direction of the court, because we're very respectful of the court. And I was reluctant to do it. But the staff members felt so highly about Mr. Leon that, and I sensed this, I did not know him. I had never met him before. But I knew the staff had a great deal of respect for him. And so I told that to Judge Green. And he said okay. He said, you've made my day.

Q. At the end of the thousand hour period, it was your conclusion that it was a satisfactory experience?

A. It was a very satisfactory experience. I sat down and I thanked him for what he had done, because it was a task that needed to be done, clearing up the legal status of all these people who were in HRS's care. And they were sort of like in limbo, some of them 30 years old and 40 years old.

Q. If you liked that experience, would you consider that HRS could profit by having similar experiences with others?

A. Mr. Cassel, I left HRS eight years ago. And it went downhill, for some reason. It really did. The caseloads have doubled. And to tell you the truth, I have only been back one time to visit. So I really cannot speak to that point.

Q. Your answer is the reason for my question.

MR. CASSEL: Thank you very much.

MR. MILLER: Are there any further questions of this witness?

MR. KINNEY: No questions.

MR. MILLER: Sir, you're excused. . . .

* * *

DOCUMENT 12

Excerpts from Transcript:

Testimony of Fred L. Buckine
Pages 135-150

* * *

MR. MILLER: . . . . Will you be sworn in?

FRED L. BUCKINE,

the witness, being first duly sworn on oath, was questioned and testified as follows:

MR. MILLER: Please state your name and your profession for the record?

THE WITNESS: My name is Fred L. Buckine. I'm a practicing attorney here in Hillsborough County. Business address is 7017 North Florida Avenue, Tampa, Florida, 33602. Law office of William McLane, P. A.

MR. MILLER: Mr. Brown?

BY MR. BROWN:

Q. Thank you. Are you also a retired judge?

A. Retired I'm not. I was a judge. I was on the county bench, yeah. Governor appointed me, and I served for some nine months. I'm now in private practice. Not retired. Don't make a mistake. I'm not retired.

Q. Do you know Richard Leon?

A. Yes. I know Judge Leon.

Q. How long have you known him?

A. I have been practicing law here 15, 16 years. I met Judge Leon '78, '79. I was a prosecutor in this circuit in juvenile court, and Judge Leon was a juvenile judge at the time. So I would say around 15 or 17 years.

Q. And you saw a good deal of him in those days?

A. A lot of him as a prosecutor. Later in felony. I was a special prosecutor, and later in private practice as a defense counsel.

Q. And what is your opinion of Judge Leon's character?

A. I think Judge Leon is an exceptionally fine man. He has the character that if I had to emulate one, I would follow.

Q. Are you aware of his disbarment from the Florida Bar?

A. Yes, I am.

Q. Are you aware of his convictions?

A. I am aware of the totality of those circumstances. I was a practicing attorney here in Hillsborough County during that time period, yes.

Q. And you still have that opinion of him?

A. Yes, I do.

Q. Did you understand at the time and now the general nature of the allegations against Mr. Leon that resulted in those convictions?

A. Yes. Along with the other individuals involved and the total circumstances. As one here and as a friend of Judge Leon, I followed it very closely. Yes.

Q. Do you think that Mr. Leon understands the legal consequences of his conviction?

A. Yes.

Q. Do you think he has any ill will or malice towards anyone who was involved in the criminal prosecution?

A. No. I don't think so.

Q. Will you describe his reputation within the community?

A. Throughout the entire time I've known him, a friend's friend, a lawyer's lawyer. As a judge he demonstrated the ability to listen. And as a defense counsel that's all you want, someone to listen. His rulings were fair and compassionate, and viewed with humanist [sic]. I was also aware of his hobby, building his boat, and his family. I saw him outside of the, being a judge in terms of the community, on projects we worked on together. We

both had concern for the public, mine mostly being youth. And we had those concerns to work together on.

I'm also aware of what he did after the incident you're referring to. He went down south, come back. I was in contact with him throughout. We've talked about it together. We've cried together. We've prayed about it. And he's worked with me and helped me, and I've tried in turn to help him.

Q. Is there any doubt in your mind that he would continue to conduct himself in such a exemplary fashion?

A. No. No doubt in my mind.

Q. Would you, if given the opportunity, refer clients to him or hire him?

A. Yes, I will, without qualification, without reservations.

Q. Would you recommend that he be readmitted to the Florida Bar?

A. Yes, I would.

MR. BROWN: I have nothing further.

MR. MILLER: Mr. Coxe?

BY MR. COXE:

Q. Mr. Buckine, my name is Hank Coxe from Jacksonville.

A. Yes.

Q. Did you have any direct familiarity of the circumstances of 1982?

A. Direct in terms of personal involvement, the answer is no.

Q. I don't mean involvement in participating in the events. I understand that. I'm talking about from either talking to Mr. Leon or talking to Mr. Merckle, anything like that?

A. No. I spoke to near [sic] Judge Leon nor Judge Merckle during the time of this incident.

Q. I assume as a general rule you would accept the premise that an adult is responsible for his and her actions?

A. We all are, yes.

Q. Do you have any sentiment that Arden Merckle is in any way responsible for Mr. Leon's actions?

A. Do I have any sentiment?

Q. In other words, however you might articulate it, do you feel that in a way, perhaps, it's sort of Mr. Merckle's fault, not Mr. Leon's fault, as to what happened in 1982?

A. If you're asking my opinion where I sit in that, in response to that question?

Q. Uh-huh.

A. I would say that Judge Leon is a friend to a friend. And it's probably a weakness of having that kind of faith to believe in someone that would not betray you. Now, you asked my opinion. My view of that. One of the things my grandmother used to say as a boy, no matter how good you are, just watch who you hang with. Meaning that often times you can get painted with the same brush and not necessarily be a fence post.

Q. You were a lawyer before you became a judge?

A. Yes.

Q. So, as a lawyer without having been a judge you, I assume, had a great appreciation for the standards that were expected of judges?

A. Yes.

Q. That that those are circumstances that would go beyond, you know, int he generic, who you run with, right? Each individual knows what standards are expected of him or her?

A. Yes. But even within that context, judges don't operate in a vacuum by themselves. They have colleagues with whom they associate, the same as we lawyers do. And I suppose the only background for one's performance and/or objective standards would be that as viewed from the totality of his or her colleagues.

Q. Just hypothetically, Mr. Buckine, let's assume we're dealing with two judges on the bench, and a case is pending in front of Judge Y, but Judge X is the one who has an interest in the outcome of that case. So Judge X communicates with Judge Y, correct? Judge X takes the initiative to go to Judge Y and discuss the case, whatever instance to discuss the case. In that hypothetical, what influence is being brought to bear to Judge X by Judge Y? Judge Y has no independent interest in the outcome of the case. In the example you give of who you run with, because Judge X has the interest and Judge Y doesn't have the interest in the case, therefore the metaphor does not apply, does it?

A. In your set of circumstances, maybe not.

Q. I do not quarrel with the sincerity and honesty with which you earlier described the number of people who have an opinion of Mr. Leon's honesty, truthworthiness, et cetera. Okay.

How, if you can tell me, and this is not to argue with your sincerity or honesty, how do you reconcile the fact that a person has been convicted of perhaps the most egregious crime of perjury, one that goes to the heart of honesty, has been convicted beyond every reasonable doubt unanimously by a jury of two counts of perjury, with the opinion on the reputation? I mean, how do you reconcile that? I'm not saying it can't be. But how do you do that? How do you say to someone, I have the highest regard for this person's truthworthiness, and in the same breath know this person has been convicted of the highest or worst moral turpitude offense there is?

A. Easily. Mandella spent 27 years in prison, and now he's president. He was convicted of the same thing. I see no inconsistencies in that. Having been convicted does not mean the heart and soul of a person is taken away. That would mean that a conviction is final in the totality of the human race. And that is not true. We all know that men make mistakes and men correct them. But I would have no problem asking that reconciliation no more than a sinner repenting for his sins, and being redeemed. If the principle isn't applicable in our Judeo-Christian society, it certainly is applicable in the law we operate under.

Q. If I understand that, then, whether it's the Nelson Mandella analogy or whatever, it accepts the fact that the person is guilty of what they were convicted of, right, and that they have been rehabilitated, et cetera?

A. Well, if in your hypothetical you include the fact of the guilt, then it does.

Q. Do you in your analysis, knowing Mr. Leon as well as you do, all right, except not that he was convicted, but that he is guilty or was guilty of what he was accused of doing? Do you factor that in, that he did do what he was convicted of?

A. I do not factor that in. You use conviction, you used in your analysis. I don't know if he did what he did do. I don't know the facts of that. I know of the conviction.

Q. Do you have yourself within your own analysis, is what I'm interested in, a personal feeling he is guilty, not that he was found guilty, but that he is guilty or that he's not guilty?

A. Do I have a personal feeling that he is guilty?

Q. Right. Or that he is not guilty. Either way?

A. My response to that, counselor, is that he was convicted. That's on the record. Do I feel he is a bad person? I don't rule on his guilt. Do I feel he is a bad person? My answer is no.

Q. I'm not quarreling with you. I'm just asking you your approach to that analysis.

A. My answer to your question is no,. Is there maliciousness in his heart, my answer to your question is no. As to the system we operate under in terms of having been found guilty, the record speaks for itself.

MR. COXE: I appreciate it, Mr. Buckine.

THE WITNESS: My pleasure.

MR. MILLER: Mrs. Schneider?

BY MS. SCHNEIDER:

Q. You indicated you followed this case during the time that it occurred, and during the time of the trial. Could you tell me what the community was like, the Tampa community where Mr. Leon was involved? What was their feeling of him at that time? What is the feeling now of Mr. Leon?

A. My answer will have to be myopic in the sense that to see what a person sees it's probably better to stand behind them

than in front of them. The community that I refer to is a limited community, the professional community of colleagues. The community I live in is the Afro-American communities, which he's touched. Invariably the opinion there is that he is still the same person he was before.

Now, understanding the backdrop of that, how that general opinion is reached, doesn't necessarily change over because of what the newspaper says. My following it was with the interest generated within the professional community because those of us who were primarily dealing in criminal law, defense, law, as in every instance, on a scale from one to ten, you have a feel or an opinion feeling for the judges. You sort of know them, as it were. So in that regard my answer to the question is that community which I could probably speak representatively of was favorable.

Q. Thank you.

MR. MILLER: Was than an answer?

THE WITNESS: No. It was a bifurcated yes on one side, and an I don't know on the other. Now, you must remember at that time we weren't permitted in the golf courses. So I have to speak from where I was.

MR. MILLER: Mr. Yates?

BY MR. YATES:

Q. You have made some reference to perhaps working with Mr. Leon in terms of, you said you worked with youth?

A. Yes.

Q. Did he work with you through something?

A. I do a lot of youth counseling and speaking to youth in the community, both in and out of my church. And I would often get a chance to talk to Judge Leon, particularly when we were in the Juvenile Division in terms of the problems that we're confronted with, the solutions that would be in place to answer the problems, to address them.

Q. This is while he was still a judge?

A. Yes.

Q. So y'all haven't been engaged in community activities together or anything since the time he was disbarred?

A. No. No. Because after that time I think, if I remember correctly, he went, he was here. Then he went down south, went to school. We did talk a couple of times on the telephone. And

when he got back we talked a couple of times on the phone. So that's been the relationship subsequent.

MR. YATES: No further questions.

MR. MILLER: Mr. O'Neill.

BY MR. O'NEILL:

Q. Now we get to myopic bifurcation. What kind of a judge were you, a county court judge or --

A. I was a county court judge.

Q. And what year was that in?

A. That was in, I was appointed in June of '91, I think. And I served until the term was up in January of '92.

Q. Did you know Judge Merckle, who was involved in this instance, back in the early '80's?

A. Yes, sir.

Q. Could you characterize him for me the type of individual he was?

A. If you took my comments on Judge Leon from one to ten, ten, the highest, I would put Judge Leon at seven. I would put Judge Merckle on a four to five on the same scale.

Q. Was he an arrogant individual, overbearing? I understand he was chief judge when this occurred.

A. Judge Merckle was chief judge, yes.

Q. Was he overbearing or arrogant?

A. Judge Merckle --

Q. I don't think you want to answer my question.

A. Well, I'm doing to do what's best. If I can't say anything good about a person, I am not going to say anything less than.

Q. You can leave it right there.

A. Judge Merckle was effective in moving the criminal, in moving a criminal docket, particularly in the traffic divisions. Effective in doing that. We could get a 60 page docket done in four hours. So he was effective that way. And in creating ideas to, for Merckle Tower. This is what we have. So, there are positive things that was there. But like most men, Paul put it quite succinctly, we all fall short.

MR. O'NEILL: Yes, sir. I realize that.

MR. MILLER: Mr. Stewart?

MR. STEWART: I have no questions.

MR. MILLER: Mr. Cassel?

BY MR. CASSEL:

Q. Mr. Buckine, if I got your name right, you assumed a position on the bench because you were appointed?

A. I was appointed by the current governor, Governor Chiles, yes.

Q. And your term ran out. And did you run for election again on --

A. Yes. I was appointed 53 days before the election. And I haven't forgiven the governor for that. Because I had three opponents who had been out running two years. I closed my practice because a friend had submitted my name. And I took the bench. And I had three people out in front of me. I got 33,000 votes in 53 days, and they got 36,000. So I lost by three. A bitter disappointment, and $50,000 poorer. But I enjoyed the experience. Ironically enough it was back when I was a juvenile prosecutor that Judge Leon and I talked about it. I told him I would like to be on the judiciary. I would like to finish my career in that fashion. But that won't be the case.

Q. You have no plans now to go back to the bench?

A. No. I have a daughter that's in college. And she says, dad, I want to go to grad school. I have a 24 year old who's following her.

Q. Where did you go to law school?

A. Catholic University of America, though I'm a Baptist. Nothing to do with my religious preferences. It had to do with the Martin Luther King scholarships available in 1982.

MR. CASSEL: Thank you very much.

BY MR. MILLER:

Q. Is the fact that you lost by three votes the genesis for your statement that we all fall short?

A. No. I think that the governor having other things of importance in terms of politics, had to delay the appointment. And I think that he, being the fine man that he is, fell short. I held up my end because I stayed on to January. I should have gotten out then. But I think that Hillsborough County is a great area to practice law. I have known Mr. Brown for an extended period of time. And I was a director of, I was general counsel for the Department of Transportation. And Mr. Brown and my secretary worked closely together. And it's a great area to practice law

because we have some fine lawyers in Hillsborough County. And I say that with deference to all my colleagues. And I won't say anything bad about a person if I can't say anything good. And we all fall short of the mark we ascribe to.

Q. How long have you been a lawyer?

A. 24 years, after 12 years in the military.

Q. How long have you been a preacher?

MR. MILLER: I have no further questions.

THE WITNESS: Four and a half years, after eight years of running away.

MR. MILLER: Any other questions? . . . .

* * *

DOCUMENT 13

Excerpts from Transcript:

Testimony of Henry O. Wilson
Pages 158-163

* * *

MR. MILLER: Will you be sworn in, sir?

HENRY O. WILSON,

the witness, being first duly sworn on oath, was questioned and testified as follows:

MR. MILLER: Sir, will you state your name and your profession for the record?

THE WITNESS: Henry O. Wilson. And I'm an attorney at law and retired judge, and practicing law part-time now.

MR. MILLER: Mr. Brown?

BY MR. BROWN:

Q. How long were you on the bench?

A. 15 years and four months.

Q. Do you know Richard Leon?

A. I've known Richard since 1951. Know his entire family.

Q. And what is your opinion of Richard Leon?

A. Well, when Richard took the Florida Bar I wrote a letter for him just as if he was my own son. I have the highest opinion of Richard Leon.

Q. Are you aware of his disbarment from the practice of law and his conviction and sentence in a criminal prosecution?

A. Yes, sir, I am.

Q. You understand the general nature of the allegations on this?

A. Yes. I understand them.

Q. Do you think Richard has accepted the legal consequences of that conviction?

A. I am sure Richard accepts it. And I'm sure he's suffered. And I'm sure he feels that he's paid the penalty.

Q. Do you think he has any ill will or feelings of malice towards those who prosecuted him?

A. No. And I have discussed it. And he's just as happy as can be. He just wants to get readmitted.

Q. What is his reputation in Tampa and Hillsborough County?

A. Richard always had a good reputation. Even from the time he was deputy clerk down did I know of anybody that ever spoke ill of Richard Leon. Nobody.

Q. What about his reputation for his ability to practice law?

A. I think he has -- did you say ability or reputation?

Q. His reputation for his competence to practice?

A. He's competent. He's had a good reputation as a competent attorney.

Q. Do you think that he would continue to conduct himself in a exemplary fashion if he is permitted to be --

A. Readmitted?

Q. Be readmitted to the Bar?

A. I believe it with all my heart.

Q. Would you refer clients to him?

A. I sure would. I sure would.

Q. Judge, compare your opinion of Richard Leon with Arden Merckle?

A. Well, that's going to be quite a comparison. Do you want me to give my honest opinion?

Q. Yes, sir.

A. Well, I've known Arden Mays Merckle. I knew his grandfather. I knew his brother, who's a colonel in the army. I knew his sister. I knew the whole family. And there is no comparison in my opinion between Richard Leon and Arden Mays

Merckle. Arden was a browbeating, vindictive judge. He tried to force everybody to plead guilty whether you were guilty or not. That's my opinion.

Q. How did he treat his fellow judges?

A. Well, Arden was headstrong. When he would go into a meeting he just figured that, I am the boy, I am the judge. And he ran things his own way. In fact, there was one committee meeting down there they had him in for a hearing. They had to remind him that he was there at their request, and he wasn't on his bench. That's the truth of the matter.

MR. BROWN: I have nothing further. Mr. Coxe?

BY MR. COXE:

Q. Sir, do you have any firsthand knowledge of the circumstances of 1982 that preceded the convictions for perjury?

A. Somewhat.

Q. What is the source of your information?

A. Courthouse gossip.

Q. Do you know of any browbeating or alleged browbeating that Arden Mays Merckle did to Mr. Leon to get Mr. Leon to do whatever he did?

A. No. I don't know what he did, you know, to get Richard Leon to testify and take the course that he took. I don't know. But I could give you my opinion of what he did that he shouldn't have done.

Q. Of what who did?

A. Merckle.

Q. In this particular circumstance, what is it Merckle did?

A. To Richard Leon?

Q. That you think he shouldn't have done?

A. You're talking about that case he set aside, or are you talking --

Q. Right. The case he set aside.

A. Well, in the first place, he was the judge. And he just decided to take it upon himself to have that defendant brought back before him without notifying the state attorney, setting aside the three year sentence and put her on probation. I think that was terribly wrong. It could have been handled in a good way. He could have notified her counselor, notified the state, and had a hearing on it. And then decided it.

Q. What is your understanding as to why he did that?

A. Arden Mays Merckle at work.

Q. Do you know from any source of information what motivation Arden Mays Merckle had to help this girl?

A. None whatsoever, except somebody just says, how about putting her on probation. That's all I know about the girl. I don't know the girl. I just read about what happened in the papers.

Q. In your years on the bench, did you ever go to another judge without the lawyers who represented the parties present, and ask that judge to impose a particular sentence?

A. No. I never did.

Q. Would you have considered that absolutely improper?

A. I'm afraid I would have to answer that in the affirmative.

MR. COXE: I have nothing further, Mr. Chairman.

MR. MILLER: Mrs. Schneider?

MS. SCHNEIDER: No questions.

MR. MILLER: Mr. Yates?

MR. YATES: No questions.

MR. MILLER: Mr. O'Neill?

MR. O'NEILL: No questions.

MR. MILLER: Mr. Cassel?

MR. CASSEL: No questions.

MR. BROWN: Thank you, Judge.

MR. MILLER: Thank you, sir. . . . .

* * *

DOCUMENT 14

Excerpts from Transcript:

Testimony of Felix Ruiz
Pages 8-16

* * *

MR. COXE: If I could get the witness here.

THE WITNESS: Good morning.

MR. MILLER: Sir, will you please be sworn in?

FELIX RUIZ,

The witness, being first duly sworn on oath, was questioned and testified as follows:

MR. MILLER: Will you please state your name?

THE WITNESS: My name is Felix Ruiz, R-u-i-z, first name,. F-e-l-i-x. I'm a parole examiner with the Florida Parole Commission.

MR. MILLER: Mr. Coxe?

QUESTIONS

BY MR. COXE:

Q. Mr. Ruiz, if I appear to go through this fairly quickly, it's in the interest of time. How long have you been working in the parole commission?

A. In this capacity, approximately a little over three and a half years.

Q. Your responsibilities include doing investigations of applications for executive clemency?

A. That's correct.

Q. And for what purpose do you do an investigation for an application for executive clemency?

A. We receive applications. The purpose for us doing investigations, to verify information given to the Clemency Board in Tallahassee. And the applicant applies for various reasons. It could be to obtain civil rights due to felony convictions. Residence rights, if they're not citizens of the country or the state. Full pardons, and commutations of sentences for inmates' sentences in Florida state.

Q. And for purposes of application for clemency did you do an investigation of a Richard E. Leon?

A. Yes, sir.

Q. Did you interview Mr. Leon for that purpose?

A. Yes.

Q. Did you have the benefit before the interview of his actual application for clemency?

A. Could you repeat the question again?

Q. Did you have a copy or the original of the application for clemency before you when you did the interview?

A. Yes.

Q. Does the application for clemency provide a place where the applicant identifies the reason why the applicant wants executive clemency?

A. Yes.

Q. And did Mr. Leon identify a reason as to why he wanted executive clemency?

A. Yes.

Q. What was his reason?

A. The reason indicated for applying is that he had completed medical school, and due to his felony conviction it would present a obstacle for him to continue with his residency. So that if he obtained a pardon, I'm paraphrasing, it would help him or aid him in continuing in this career, in the medical career.

Q. Did you interview Mr. Leon?

A. Yes.

Q. Did you do that in approximately April of 1992?

A. Yes.

Q. Did you do it personally or by telephone?

A. Personally.

Q. Did you interview Mr. Leon personally as to what his stated reasons for being interested in clemency were?

A. Yes, I did. Not necessarily just that one specific question, because there were a multitude of questions that took place at the time of the interview.

Q. Did Mr. Leon express to you what his interests were in having executive clemency?

A. Yes.

Q. What did he tell you his reasons were?

A. His interest was to continue to pursue his career in medicine. And I specifically recall asking him what interests did he have or did he have a specialty. And he indicated a family practice, or as a family practitioner, due to relatives in his family currently practicing medicine in the area where he lived.

Q. Did you discuss with Mr. Leon whether he had any intention or expressed interest in practicing law, if he were granted a pardon?

A. He expressed no interest in practicing law. He indicated that he was either hurt or let down due to his conviction, and he maintained his innocence, and that he had no interest in pursuing a career in law or criminal justice.

Q. What did you do with the information you collected as a result of the investigation?

A. I included that in the portion of the Applicant's statement and attitude. And it's included in my confidential case analysis.

Q. Do you submit that information to someone else?

A. Yes.

Q. Who?

A. It goes to the Director of Clemency Administration for the Florida Parole Commission, who is Mr. Ray Howard.

Q. Is that Mr. Ray Howard in April of 1992?

A. Yes.

Q. Is it Mr. Howard's responsibility to make a recommendation one way or the other for pardon or executive clemency?

A. Yes.

Q. Did you submit the information to Mr. Howard with the understanding he had a right to rely on the information you submitted?

A. Yes.

MR. COXE: I have no other questions, Mr. Chairman.

BY MR. KINNEY:

Q. You conducted this examination on April 29th, 1992, Mr. Ruiz?

A. That's correct.

Q. I'm over here.

A. Yes. I was just thinking. Yes.

Q. I want to show you the application for clemency that you have testified you saw, and ask you if you would a read aloud the answer to Applicant's reasons for requesting consideration.

A. Okay. Applicant's reasons for requesting consideration, I have since my conviction graduated from medical school, and have taken the necessary exam for entering into residency, but with a conviction will experience a difficult time. I feel I have been a perfect example of rehabilitation, and would appreciate any consideration given me.

Q. Were you aware that on April 29th of 1992 that the Applicant could not, would not be eligible to take the Florida exam until June 12th of 1992?

A. No.

Q. You did a complete investigation on this man?

A. I would say yes.

Q. And during that investigation did you hear any derogatory or any bad remarks about him from any people that you questioned?

A. No.

Q. And did you, yourself, recommend clemency?

A. No.

Q. Did the man that you reported to recommend clemency?

A. I cannot say yes to that because I don't know. I was not -- his office is in Tallahassee. So I can't say what he actually recommended. I can't speak for him.

Q. Are you aware that clemency was granted to Mr. Leon by the governor?

A. Yes. Sometime after my report went to Tallahassee, yes.

Q. And were you aware that this was a full and complete pardon that he was granted?

A. Yes.

MR. KINNEY: Thank you very much.

MR. MILLER: Mr. Coxe?

MR. COXE: One additional question.

BY MR. COXE:

Q. Mr. Ruiz, if Mr. Leon had told you during the course of your investigation that he intended to resume the practice of law, would you have communicated that information to Mr. Howard?

A. Yes.

MR. COXE: I don't have anything else.

MR. MILLER: Mrs. Snyder [sic]?

MS. SCHNEIDER: No questions.

MR. MILLER: Mr. Yates?

MR. YATES: I have no questions.

MR. MILLER: Mr. O'Neill?

MR. O'NEILL: No questions.

MR. MILLER: Mr. Stewart?

MR. STEWART: Nothing.

MR. CASSEL: No questions.

MR. MILLER: Mr. Kinney?

MR. KINNEY: One other question, if I may.

BY MR. KINNEY:

Q. Would that have made any difference if you had communicated that information?

A. To whom?

Q. To your superior?

A. I can't answer for them.

MR. KINNEY: Okay. Thank you.

MR. MILLER: Thank you.

* * *

DOCUMENT 15

Pardon

State of Florida

Whereas, At a meeting this day, at which were present His Excellency, LAWTON CHILES, Governor of said State, JIM SMITH, Secretary of State, ROBERT A. BUTTERWORTH, Attorney General, GERALD LEWIS, Comptroller, TOM GALLAGHER, Treasurer, _____, Commissioner of Education, and BOB CRAWFORD, Commissioner of Agriculture, of said State, who under the Constitution of said State, have full power to grant full or conditional pardons, restore civil rights, commute punishment, and remit fines and forfeitures for offenses, it was determined that RICHARD E. LEON

who was convicted in the Criminal Court, Hillsborough County, Florida, December 14, 1983, of the offenses of Perjury (2 Counts) and Official Misconduct, and placed on probation for five years on each count, to run concurrent; and who was granted restoration of civil rights except the right to own, possess or use firearms on February 17, 1989; should now, upon showing made be granted a full pardon with the right to own, possess or use firearms; it being shown to the Board that he is living a law abiding life, and that the Florida Parole Commission after making a thorough investigation, recommended that he be granted a full pardon with the right to own, possess or use firearms.

Therefore, Be it Known, that the said RICHARD E. LEON, be, and he is hereby granted a full pardon of the above offenses with the right to own, possess or use firearms.

In Testimony Whereof, We have hereunto set our hands, this 29th day of September, A.D. 19 92.

/s/ Lawton Chiles
Governor.

/s/ Jim Smith
Secretary of State.

_____
Attorney General.

/s/ Gerald Lewis
Comptroller.

/s/ Tom Gallagher
Treasurer.

I certify the foregoing to be a true and correct copy of the original order.

/s/ _____
Commissioner of Education.

/s/ _____
Coordinator, Office of Executive Clemency

/s/ Bob Crawford
Commissioner of Agriculture.

DOCUMENT 16

Excerpts from the
Rules of the Supreme Court of Florida
Relating to Admissions to the Bar
Article III.B.2.a.-2.c.

FLORIDA BOARD OF BAR EXAMINERS

B. CHARACTER AND FITNESS REQUIREMENTS

Section 2.a. No person shall be recommended by the Florida Board of Bar Examiners to the Supreme Court of Florida for admission to The Florida Bar unless such person first produces satisfactory evidence to the Board of good moral character and an adequate knowledge of the standards and ideals of the profession and that such person is otherwise fit to take the oath and perform the obligations and responsibilities of an attorney.

b. The primary purposes of character and fitness screening before admission to The Florida Bar are to assure the protection of the public and safeguard the justice system. An attorney should be one whose record of conduct justifies the trust of clients, adversaries, courts, and others with respect to the professional duties owed to them. A record manifesting a deficiency in the honesty, trustworthiness, diligence, or reliability of an applicant may constitute a basis for denial of admission.

The revelation or discovery of any of the following may be treated as cause for further inquiry before the board decides whether the applicant possesses the character and fitness to practice law:

(1) unlawful conduct;

(2) academic misconduct;

(3) making or procuring any false or misleading statement or omission of relevant information, including any false or misleading statement or omission on the Application for Admissions to The Florida Bar, or any amendment, or in any testimony or sworn statement submitted to the Board;

(4) misconduct in employment;

(5) acts involving dishonesty, fraud, deceit or misrepresentation;

(6) abuse of legal process;

(7) neglect of financial responsibilities;

(8) neglect of professional obligations;

(9) violation of an order of a court;

(10) evidence of mental or emotional instability;

(11) evidence of drug or alcohol dependency;

(12) denial of admission to the bar in another jurisdiction on character and fitness grounds;

(13) disciplinary action by a lawyer disciplinary agency or other professional disciplinary agency of any jurisdiction;

(14) any other conduct which reflects adversely upon the character or fitness of the applicant.

c. The Board shall determine whether the present character and fitness of an applicant qualify the applicant for admission. In making this determination, the following factors should be considered in assigning weight and significance to prior conduct;

(1) the applicant's age at the time of the conduct;

(2) the recency of the conduct;

(3) the reliability of the information concerning the conduct;

(4) the seriousness of the conduct;

(5) the factors underlying the conduct;

(6) the cumulative effect of the conduct or information;

(7) the evidence of rehabilitation;

(8) the applicant's positive social contributions since the conduct;

(9) the applicant's candor in the admissions process;

(10) the materiality of any omissions or misrepresentations.

DOCUMENT 17

Excerpts from the
Rules of the Supreme Court of Florida
Relating to Admissions to the Bar
Article III.B.3.a.-2.c.

FLORIDA BOARD OF BAR EXAMINERS

Section 3.a. Prior to recommending an applicant for admission to practice the profession of law in Florida, the Florida Board of Bar Examiners shall conduct an investigation and otherwise inquire into and determine the character, fitness and general qualifications of every applicant. In every such investigation and inquiry, the Board may obtain such information as bears upon the character, fitness and general qualifications of the applicant and take and hear testimony, administer oaths and affirmations, and compel by subpoena the attendance of witnesses and the production of books, papers and documents. Any member of the Board may administer such oaths and affirmations. Such investigations and inquiries shall be informal, but they shall be thorough, with the object of ascertaining the truth. Technical rules of evidence need not be observed. Any investigative hearing for such purpose may be held by a division of the Board consisting of no fewer than three members of the Board. Each division shall record its proceedings and shall report its recommendations to the full Board.

b. Following an investigative hearing, the Board shall determine:

(1) that the applicant has established his or her qualifications as to character and fitness; or

(2) that further investigation into the applicant's character and fitness is warranted; or

(3) that Specifications be filed charging the applicant with matters which if proven would preclude a favorable finding by the Board.

* * *

d. If Specifications are prepared and served upon an applicant, the applicant shall file an answer to the Specifications within 20 days from receipt of the Specifications. If an applicant fails to file an answer to the Specifications within such time or within any extension of that time allowed by the Board, the Specifications shall be deemed admitted and the Board shall enter findings of fact, finding the Specifications proven, and appropriate conclusions of law, which may include a recommendation that the applicant not be admitted to The Florida Bar.

e. After a timely answer to Specifications has been filed, the Board shall notify the applicant of the dates and locations available for the formal hearing on the Specifications and the

applicant and the Board shall agree on a date and location for the hearing. If the applicant fails to agree on one of the dates and locations proposed by the Board, the Board shall set the date and location of the hearing. If the applicant, without good cause, fails to attend the formal hearing, the Specifications shall be deemed admitted and the Board shall enter findings of fact, finding the Specifications proven, and appropriate conclusions of law, which may include a recommendation that the applicant not be admitted to The Florida Bar.

f. Formal hearings held in response to Specifications shall be conducted before a quorum of the Board which shall consist of not less than five members. The formal hearing panel shall consist of members of the Board other than those who participated in the investigative hearing. This provision may be waived with the consent of the applicant. The weight to be given all testimony and exhibits received in evidence at a formal hearing shall be considered and determined by the Board. the Board is not bound by technical rules of evidence at a formal hearing. Following the conclusion of a formal hearing, the Board shall expeditiously make

its findings of fact and conclusions of law which shall include one of the following:

(1) a recommendation that the applicant be admitted to The Florida Bar; or

(2) a recommendation that the applicant not be admitted to The Florida Bar; or

(3) after the filing of Specifications and, in lieu of a recommendation that the applicant not be admitted to The Florida Bar based upon drug, alcohol or psychological problems; the Board in exceptional cases may make a recommendation that the applicant be conditionally admitted to The Florida Bar upon such terms and conditions as specified by the Board. If the Court accepts the Board's recommendation, then the terms and conditions of the applicant's admission shall be administered by The Florida Bar as provided in Section 3.c. above; or

(4) a recommendation that the applicant's admission to The Florida Bar be withheld for a specified period of time not to exceed two years to allow the applicant to establish rehabilitation. At the end of the specified period of time, the Board shall recommend the

applicant's admission barring subsequent disclosure of matters adversely reflecting upon the applicant's character or fitness.

The applicant shall be notified promptly by the board of its findings of fact and recommendation, which action shall be subject to review by the Court as specified un Article III, Section 4.b.

DOCUMENT 18

Excerpts from the
Rules of the Supreme Court of Florida
Relating to Admissions to the Bar
Article III.B.4.a., b., e.

FLORIDA BOARD OF BAR EXAMINERS

Section 4.a. Any applicant who is dissatisfied with the Board's recommendation concerning his or her character, fitness or general qualifications, may, within sixty (60) days after notice of the Board's recommendation, file with the Board a petition for reconsideration with a fee of $100.00 as specified under the provisions of Article V, Section 11. The petition must contain new and material evidence including, without limitation to, evidence of rehabilitation, which by due diligence could not have been produced at the formal hearing. Only one such petition for reconsideration may be filed.

b. Any applicant or student registrant who is dissatisfied with the Board's recommendation concerning such applicant's or registrant's character and fitness may file an appropriate petition with the Clerk of the Supreme Court of Florida, within a period of sixty (60) days after receipt of the Board's recommendation. A copy of such petition shall be served upon the Executive Director of the Board. Unless otherwise required, the Board's response shall be filed with the Supreme Court within 25 days after service of the petition. At the time of the filing of the Board's response, the Executive Director shall place the record of the formal hearing

with the Supreme Court, and the Court shall decide whether such applicant or student registrant meets the character and fitness requirements. Final action of the Court shall be duly entered in the minutes thereof.

* * *

e. Any applicant or student registrant who, in any formal hearing held in response to Specifications pursuant to Article III, Section 3 or in any proceeding held before the Board pursuant to Article II, Section 5 or Article III, Section 4.d., affirmatively asserts rehabilitation from prior conduct which bears adversely upon such person's character and fitness for admission to the Bar shall be required to produce clear and convincing evidence of such rehabilitation including, but not limited to, the following elements:

(1) strict compliance with the specific conditions of a disciplinary, judicial, administrative or other order, where applicable;

(2) unimpeachable character and moral standing in the community;

(3) good reputation for professional ability, where applicable;

(4) lack of malice and ill feeling toward those who by duty were compelled to bring about the disciplinary, judicial, administrative or other proceeding;

(5) personal assurances, supported by corroborating evidence, of a desire and intention to conduct one's self in an exemplary fashion in the future;

(6) restitution of funds or property, where applicable;

(7) positive action showing rehabilitation by such things as a person's occupation, religion, community or civic service. Merely showing that an individual is now living as and doing those things he or she should have done throughout life, although necessary to prove rehabilitation, does not prove that the individual has undertaken a useful and constructive place in society. The requirement of positive action is appropriate for applicants for admission to the Bar because service to one's community is an implied obligation of members of the Bar.

DOCUMENT 19

Affidavits

BEFORE THE FLORIDA BOARD OF BAR EXAMINERS

IN RE: Application of **RICHARD E. LEON, SR.** for Admission to The Florida Bar

FILE NO. 61461

WITNESS AFFIDAVIT

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

Before me, the undersigned authority, personally appeared Arthur Noriega, IV who having been duly sworn deposes and says:

1. I reside in Tampa, Hillsborough County, Florida.

2. I am Director of International Relations for St. Joseph's Hospital.

3. I have known the applicant, **RICHARD E. LEON, SR.** for approximately 35 years, as a result of both professional and social activities, including his legal representation in personal and business matters, which I feel gives me the advantage of being totally candid and objective in giving testimony as to **RICHARD E. LEON, SR.**'s unequivocal dedication and ethical conduct to his clients, and love he has always shown his family and friends.

4. I am aware of the disbarment from the practice of law of **RICHARD E. LEON, SR.** and of his conviction and sentence as a result of criminal prosecution. I understand the general nature of the allegations against **Mr. LEON** concerning his application for admission to the Florida Bar.

5. **RICHARD E. LEON, SR.** has at all times accepted the legal consequences of his conviction. I truly believe that **RICHARD E. LEON, SR.** has no ill will or feelings of malice toward those who criminally prosecuted him or prosecuted disciplinary proceedings.

6. I know **RICHARD E. LEON, SR.** to be of unimpeachable character and moral standing, a person of integrity and to be a person fit to practice law in the State of Florida.

7. I know of **RICHARD E. LEON, SR.'s** reputation within the community of Tampa and Hillsborough County, Florida, to be excellent for honesty, truthfulness, ethical behavior and good character, and for competency and abilities in the practice of law. I am acutely aware that his reputation as a lawyer is excellent.

8. **RICHARD E. LEON, SR.** has assured me to my satisfaction that he intends to conduct himself in an exemplary fashion in the future.

9. I has previously, and will in the future, refer clients to **RICHARD E. LEON, SR.** for representation in legal matters should he again become a member of the Florida Bar.

10. I recommend **RICHARD E. LEON, SR.** for admission to the Florida Bar without qualification.

FURTHER AFFIDAVIT SAYETH NAUGHT.

/s/ Arthur Noriega, IV
AFFIANT

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

SWORN TO AND SUBSCRIBED before me, appeared Arthur Noriega IV on this 21 day of September, 1993.

/s/ Brenda J. Smith
NOTARY PUBLIC OF STATE OF FLORIDA
My Commission Expires: [SEAL]

BEFORE THE FLORIDA BOARD OF BAR EXAMINERS

IN RE: Application of
RICHARD E. LEON, SR. FILE NO. 61461
for Admission to
The Florida Bar

WITNESS AFFIDAVIT

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

Before me, the undersigned authority, personally appeared DELANO S. STEWART, who having been duly sworn deposes and says;

1. I reside in Tampa, Hillsborough County, Florida.

2. I am a partner in the law firm of Stewart, Joyner, Jordan-Holmes, Holmes, P.A. in business at 5020 N. Nebraska Ave., Tampa, FL 33603.

3. I have known the Applicant, **RICHARD E. LEON, SR.** for more than thirty (30) years, as a result of both professional and social activities, including his legal representation in personal and business matters, which I feel gives me the advantage of being totally candid in giving testimony as to **RICHARD E. LEON,**

SR.'s unequivocal dedication, sincerity and love which he has always shown his family and friends.

4. I am aware of the disbarment from the practice of law of **RICHARD E. LEON, SR.** and of his conviction and sentence as a result of criminal prosecution. I understand the general nature of the allegations against **MR. LEON** concerning his application for admission to the Florida Bar.

5. **RICHARD E. LEON, SR.** has at all times accepted the legal consequences of his conviction. I truly believe that **RICHARD E. LEON, SR.** has no ill will or feelings of malice toward those who criminally prosecuted him or prosecuted disciplinary proceedings.

6. I know **RICHARD E. LEON, SR.** to be of unimpeachable character and moral standing, a person of integrity and to be a person fit to practice law in the State of Florida.

7. I know of **RICHARD E. LEON, SR.'s** reputation within the community of Tampa and Hillsborough County, Florida, and know his reputation to be excellent for honesty, truthfulness, ethics and good character.

8. I know of **RICHARD E. LEON, SR.'s** reputation within the community of Tampa and Hillsborough County, Florida, for competency and abilities in the practice of law and know that his reputation as a lawyer is excellent.

9. **RICHARD E. LEON, SR.** has assured me to my satisfaction that he intends to conduct himself in an exemplary fashion in the future.

10. I has previously, and will in the future, refer clients to **RICHARD E. LEON, SR.** for representation in legal matters should he again become a member of the Florida Bar.

11. I recommend **RICHARD E. LEON, SR.** for admission to the Florida Bar without qualification.

FURTHER AFFIDAVIT SAYETH NAUGHT.

/s/ Delano S. Stewart

AFFIANT

STATE OF FLORIDA

COUNTY OF HILLSBOROUGH

SWORN TO AND SUBSCRIBED before me, appeared DELANO S. STEWART on this 28 day of September, 1993.

/s/ Michael Mobley

NOTARY PUBLIC OF STATE OF FLORIDA

My Commission Expires:

[SEAL]

BEFORE THE FLORIDA BOARD OF BAR EXAMINERS

IN RE: Application of **RICHARD E. LEON, SR.** for Admission to The Florida Bar — FILE NO. 61461

WITNESS AFFIDAVIT

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

Before me, the undersigned authority, personally appeared **Joseph Voskerichian** who having been duly sworn deposes and says:

1. I reside in Tampa, Hillsborough County, Florida.

2. I am a **Banker, Businessman and Community Leader** and in business at **NationsBank**.

3. I have known the Applicant, **RICHARD E. LEON, SR.** for approximately 35 years, as a result of both professional, community, and social activities, including his legal representation in personal matters, which I feel gives me the advantage of being totally candid in giving testimony as to **RICHARD E. LEON, SR.'s** unequivocal dedication, sincerity and love which he has always shown his family and friends.

4. I am aware of the practice of law of **RICHARD E. LEON, SR.** and of his conviction and sentence as a result of c...inal prosecution. I understand the general nature of the allegations against **MR. LEON** concerning his application for admission to the Florida Bar.

5. **RICHARD E. LEON, SR.** has at all times accepted the legal consequences of his conviction. I truly believe that **RICHARD E. LEON, SR.** has no ill will or feelings of malice toward those who criminally prosecuted him or prosecuted disciplinary proceedings.

6. I know **RICHARD E. LEON, SR.** to be of unimpeachable character and moral standing, a person of integrity and to be a person fit to practice law in the State of Florida.

7. I know of **RICHARD E. LEON, SR.'s** reputation within the community of Tampa and Hillsborough County, Florida, and know his reputation to be excellent for honesty, truthfulness, ethics and good character.

8. I know of **RICHARD E. LEON, SR.'s** reputation in the community of Tampa and Hillsborough County, Florida, for

competency and abilities in the practice of law and know that his reputation as a lawyer is excellent.

9. **RICHARD E. LEON, SR.** has assured me to my satisfaction that he intends to conduct himself in an exemplary fashion in the future.

10. I has previously, and will in the future, refer clients to **RICHARD E. LEON, SR.** for representation in legal matters should he again become a member of the Florida bar.

11. I recommend **RICHARD E. LEON, SR.** for admission to the Florida Bar without qualification.

FURTHER AFFIDAVIT SAYETH NAUGHT.

/s/ Joseph Voskerichian
AFFIANT

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

SWORN TO AND SUBSCRIBED before me, appeared Joseph Voskerichian on this 1st day of ~~October~~ November, 1993.

/s/ Susan J. Brown
NOTARY PUBLIC OF STATE OF FLORIDA

My Commission Expires:

[SEAL]

BEFORE THE FLORIDA BOARD OF BAR EXAMINERS

IN RE: Application of
RICHARD E. LEON, SR.
for Admission to
The Florida Bar

FILE NO. 61461

WITNESS AFFIDAVIT

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

BEFORE ME, the undersigned authority, personally appeared CHARLES H. SCRUGGS, III, ESQUIRE, who having been duly sworn, deposes and says:

1. I have resided in Tampa, Hillsborough County, Florida continuously since 1946.

2. I am a an Attorney At Law and do business at 1105 Swann Avenue, Tampa, Florida 33606.

3. I have known the Applicant, RICHARD E. LEON, SR. for approximately 33 years (since we were law students at Stetson University College of Law) as a result of both professional and social activities, including our sitting as fellow Judges in the Thirteenth Judicial Circuit, I feel experience gives me the advantage of being totally candid in giving testimony as to RICHARD

E. LEON, SR.'s dedication to the legal profession, his sincerity and affection and esteem which he has always shown his family and friends.

4. Be advised that I am aware of his disbarment from the practice of law and of his conviction and sentence of criminal prosecution. I understand the general nature of the allegations against RICHARD E. LEON, SR. concerning his application for admission to the Florida Bar.

5. To my knowledge, RICHARD E. LEON, SR. has always accepted the legal consequences of his conviction. I sincerely believe that he has no ill feelings nor malice toward those who criminally prosecuted him or prosecuted disciplinary proceedings.

6. I know RICHARD E. LEON, SR. to be a kind, gentle man, who in my opinion enjoys an unimpeachable character. To me he is a person of integrity and certainly is morally fit to practice law in the State of Florida.

7. I also know of RICHARD E. LEON, SR.'s reputation within the community of Tampa and Hillsborough County, Florida, to be excellent for honesty and good character.

8. Likewise, I know of RICHARD E. LEON, SR.'s in this community for competency and abilities in the practice of law; his reputation as a lawyer is very good.

9. **RICHARD E. LEON, SR.** has assured me to my satisfaction that he intends to conduct himself in an exemplary fashion in the future.

10. I have in the past and intend in the future, refer clients to RICHARD E. LEON, SR. for representation in legal matters, should he again become a member of the Florida Bar.

11. I recommend RICHARD E. LEON, SR. for admission to the Florida Bar without qualification.

FURTHER AFFIDAVIT SAYETH NAUGHT.

/s/ Charles H. Scruggs, III
CHARLES H. SCRUGGS, III

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

SWORN TO AND SUBSCRIBED before me this 27th day of September, 1993.

/s/ Cheryl E. Lonegran
NOTARY PUBLIC-STATE OF FLORIDA

[SEAL]

MY COMMISSION EXPIRES:

BEFORE THE FLORIDA BOARD OF BAR EXAMINERS

IN RE: Application of
RICHARD E. LEON, SR. FILE NO. 61461
for Admission to
The Florida Bar

WITNESS AFFIDAVIT

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

Before me, the undersigned authority, personally appeared **RONALD K. CACCIATORE,** who having been duly sworn, deposes and says:

1. The Affiant resides at 2308 Sought Hesperides, Tampa, Hillsborough County, Florida.

2. The Affiant is an attorney presently engaged in the practice of law at Suite 2835, 100 North Tampa Street, Tampa, Florida 33602.

3. The Affiant was admitted to the Bar and began practicing law on November 15, 1963.

4. The Affiant has known **RICHARD E. LEON, SR.** for approximately 20 years and the Affiant's knowledge of the Applicant is both social and professional.

5. The Affiant is aware of the matters which gave rise to the Applicant's conviction and sentence and the Applicant's subsequent disbarrment [sic] from the practice of law.

6. The Affiant truly believes that the Applicant has at all times accepted the legal consequences of his conviction and sentence and subsequent disbarrment [sic]; and the Affiant does not believe that the Applicant has any ill will or bad feelings towards those who prosecuted him in court, or brought about this disbarrment [sic].

7. The Affiant believes that the Applicant is of good moral character, and is a person fit to practice law in the state of Florida.

8. The Affiant believes that in spite of his prior criminal problem, the Applicant has a good reputation in Hillsborough County for honesty, integrity, and for being truthful.

9. The Applicant had an excellent reputation during the time he was practicing law.

9. The Affiant believes that the Applicant intends to conduct himself properly in the future, and adhere to the rules regulating The Florida Bar should the Applicant gain admittance to

practice law again, and that reason, the Affiant recommends **RICHARD E. LEON, SR.** for admission to The Florida Bar.

FURTHER AFFIDAVIT SAYETH NAUGHT.

/s/ Ronald K. Cacciatore
AFFIANT

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

SWORN TO AND SUBSCRIBED before me, appeared **RONALD K. CACCIATORE** on this 2nd day of March, 1994.

/s/
NOTARY PUBLIC OF STATE OF FLORIDA
My Commission Expires:

Personally Known to Me X [Seal]
Produced D/L as Identification ___

BEFORE THE FLORIDA BOARD OF BAR EXAMINERS

IN RE: Application of
RICHARD E. LEON, SR.
for Admission to
The Florida Bar

FILE NO. 61461

WITNESS AFFIDAVIT

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

BEFORE ME, the undersigned authority, personally appeared Laurence I. Goodrich, who having been duly sworn deposes and says:

1. I reside in Tampa, Hillsborough County, Florida.

2. I am an attorney at law engaged in private practice with offices located at 100 Ashley Drive South, Suite 1745, Tampa, Florida 33602.

3. I have known the Applicant, **RICHARD E. LEON, SR.** for approximately thirty-five (35) years, as a result of both professional and social activities, including his legal representation of himself and others in personal and business matters. I feel I know and have observed him well enough to express a meaningful opinion as to **RICHARD E. LEON, SR.'s** unequivocal dedication,

sincerity and love which he has always demonstrated for and towards his family and friends.

4. I am aware of the disbarment from the practice of law of **RICHARD E. LEON, SR.** and of his conviction and sentence as a result of criminal prosecution. I understand the general nature of the allegations against **MR. LEON** concerning his application for admission to the Florida Bar.

5. I believe that **RICHARD E. LEON, SR.** has at all times accepted the legal consequences of his conviction. I also truly believe that **RICHARD E. LEON, SR.** has no ill will or feelings of malice toward those who criminally prosecuted him or prosecuted disciplinary proceedings involving him.

6. I believe **RICHARD E. LEON, SR.** to be of very good moral character and standing. He is a person of integrity who has overcome adversity; paid his debt to society; and should be welcomed back to society with full rights and privileges.

7. I believe **RICHARD E. LEON, SR.** to be a person who is fully rehabilitated and who is fit to practice law in the State of Florida.

8. I know of **RICHARD E. LEON, SR.**'s reputation within the community of Tampa and Hillsborough County, Florida; and know his reputation to be excellent for honesty, truthfulness, ethics and good character.

9. I know of **RICHARD E. LEON, SR.**'s reputation in the community of Tampa and Hillsborough County, Florida, for competency and abilities in the practice of law and know that his reputation as a lawyer is excellent.

10. **RICHARD E. LEON, SR.** has assured me to my satisfaction that he intends to conduct himself in an exemplary fashion in the future. I have absolutely no doubt in my own mind that he will actually do so.

11. I have previously, and will in the future, refer clients to **RICHARD E. LEON, SR.** for representation in legal matters should he again become a member of the Florida Bar.

12. I strongly recommend **RICHARD E. LEON, SR.** for admission to the Florida Bar without qualification.

FURTHER AFFIDAVIT SAYETH NAUGHT.

/s/ Laurence I. Goodrich
Laurence I. Goodrich, Affiant

I HEREBY CERTIFY THAT the foregoing affidavit was acknowledged before me this 12th day of October, 1993, by LAURENCE I. GOODRICH, who is personally known to me, and who did take an oath.

/s/ James D. Palermo
James D. Palermo
Notary Public, State of Florida

[SEAL]

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LA GACETA
The weekly with the political impact

RE: RICHARD E. LEON, SR.

TO WHOM IT MAY CONCERN:

My name is Roland Manteiga. I am a resident of Tampa, Florida, and the editor and publisher of La Gaceta, a tri-lingual weekly newspaper that has published consecutively since 1922.

I have known Richard Leon for more than 20 years, both professionally and socially. We are longtime friends.

I am aware of Mr. Leon's disbarment from the practice of law and of his conviction and sentence as a result of criminal prosecution. I understand the general nature of the allegations against Mr. Leon concerning his application for admission to The Florida Bar.

He has at all times accepted the legal consequences of his conviction. After talking with him on a number of occasions I know he has no ill will or bad feelings towards those who criminally prosecuted him or prosecuted disciplinary proceedings.

I know Richard Leon to be of unimpeachable moral standing. He is bright, candid with his friends and others, possesses a

wonderful sense of humor and is an intelligent, gentle and compassionate citizen.

I know Mr. Leon's reputation within Tampa and Hillsborough County and know his reputation as a lawyer is excellent. He, indeed, is a person fit to practice law in the State of Florida.

He has assured me that he intends to conduct himself in an exemplary fashion in the future and I will, as I have previously, refer my friends to Mr. Leon for representation in legal matters should he again become a member of the florida Bar.

I strongly recommend Richard Leon for admission to the Florida Bar.

/s/ Roland Manteiga /s/ Louise C. Schmechel
Roland Manteiga [SEAL] 11/10/93

Published every Friday, in three languages - Spanish, English and Italian

3210 E. 7th Avenue Tampa, Florida 33605
P.O. Box 5536 Tampa, Florida 33675

BEFORE THE FLORIDA BOARD OF BAR EXAMINERS

IN RE: Application of **RICHARD E. LEON, SR.** for Admission to The Florida Bar — FILE NO. 61461

WITNESS AFFIDAVIT

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

Before me, the undersigned authority, personally appeared Julianne M. Holt who having been duly sworn deposes and says:

1. I reside in Tampa, Hillsborough County, Florida.

2. I am an attorney and in business at Hillsborough County Public Defender's Office.

3. I have known the Applicant, **RICHARD E. LEON, SR.** for approximately 20 years, as a result of both professional and social activities, including his legal abilities, which I feel gives me the advantage of being totally candid in giving testimony as to **RICHARD E. LEON, SR.'s** unequivocal dedication, sincerity and love which he has always shown his family and friends.

4. I am aware of the disbarment from the practice of law of **RICHARD E. LEON, SR.** and of his conviction and sentence

as a result of criminal prosecution. I understand the general nature of the allegations against Mr. Leon concerning his application for admission to the Florida Bar.

5. **RICHARD E. LEON, SR.** has at all times accepted the legal consequences of his conviction. I truly believe that RICHARD E. criminally prosecuted him or prosecuted disciplinary proceedings.

6. I know **RICHARD E. LEON, SR.** to be of unimpeachable character and moral standing, a person of integrity and to be a person fit to practice law in the State of Florida.

7. I know of **RICHARD E. LEON, SR.**'s reputation within the community of Tampa and Hillsborough County, Florida, and know his reputation to be excellent for honesty, truthfulness, ethics and good character.

8. I know of **RICHARD E. LEON, SR.**'s reputation in the community of and Hillsborough County, Florida, for competency and abilities in the practice of law and know that his reputation as a lawyer is excellent.

9. **RICHARD E. LEON, SR.** has assured me to my satisfaction that he intends to conduct himself in an exemplary fashion in the future.

10. I feel confident that I could refer clients to **RICHARD E. LEON, SR.** for representation in legal matters should he again become a member of the Florida Bar and that he would be a very competent advocate for his clients.

11. I recommend **RICHARD E. LEON, SR.** for admission to the Florida Bar without qualification.

FURTHER AFFIDAVIT SAYETH NAUGHT.

/s/ Julianne M. Holt
AFFIANT

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

SWORN TO AND SUBSCRIBED before me, appeared Julianne M. Holt on this 20th day of October, 1993.

/s/ Sharon H. Slater
NOTARY PUBLIC OF STATE OF FLORIDA
My Commission Expires:

[SEAL]

BEFORE THE FLORIDA BOARD OF BAR EXAMINERS

IN RE: APPLICATION OF:
RICHARD E. LEON, SR.

FILE NO. 61461

for Admission to
The Florida Bar

WITNESS AFFIDAVIT

STATE OF FLORIDA:
COUNTY OF HILLSBOROUGH:

BEFORE ME, the undersigned authority, personally appeared RALPH M. GUITO, JR., ESQUIRE, who, having been duly sworn, deposes and says:

1. I am a resident of Tampa, Hillsborough County, Florida, and engaged in the practice of law with the firm of Guito & Gabbard, Sun bank Building,, 315 East Madison Street, Suite 1004, Tampa, Florida 33602.

2. I am an Attorney at Law in good standing with The Florida Bar, having been admitted to practice in the State of Florida in 1968. I have continually practiced law in the State of Florida since then.

3. I have known Richard E. Leon, Sr., since prior to 1956 when, after my discharge from the United States Air Force, I

renewed my acquaintance with Richard E. Leon, Sr., as we were both undergraduate students at the University of Tampa, in Tampa, Florida. We continued our friendship throughout our undergraduate studies at the University of Tampa.

4. Richard E. Leon, Sr. and I also attended law school together. We both graduated from Cumberland School of Law in Birmingham, Alabama.

5. In my knowledge of and long-term acquaintance with Mr. Leon, both at the student level and subsequently at the professional level, in professional activities and in business matters, and in all of my dealings with him, I feel that this is a true opportunity and a privilege and honor to be able to make these statements regarding Mr. Leon:

a) In my professional association with Mr. Leon, I have always found him to be unequivocally dedicated to his practice of law and meticulous and concerned in his representation of his clients. In my long-term acquaintance with Mr. Leon, I have never known him to be dishonest or untrustworthy. I have always found him to be helpful, ethical, and compassionate to people who needed his help. I respect him as a man of his word. I have never known

him to indulge to excess in the use of alcoholic beverages or use drugs.

b) I further state that I have known Mr. and Mrs. Leon since before they were married. I have known both of them very well and also their children. I have observed Mr. and Mrs. Leon to be fine and caring parents, demonstrating their love, care and concern for their family. Mr. and Mrs. Leon adopt other children and raise them along with their children, treating them as their own children were treated.

6. I am fully aware of the circumstances surrounding the disbarment, conviction and sentencing of Mr. Leon as a result of the criminal investigation. I understand the general nature of the allegations against Mr. Leon concerning his application for admission to The Florida Bar. I can unequivocally state that I believe he has at all times accepted the legal consequences of the investigation, conviction sentencing, and disbarment, and that he bears no ill will or feelings of malice toward those responsible for his prosecution. I believe he understands that we all have jobs to do.

7. In my opinion, I find Mr. Leon to be of unimpeachable character and of the highest moral and ethical standards. he is a person of integrity and responsibility and is a person who is fit to practice law in the State of Florida. I am aware of his outstanding reputation for honesty, impeccable character and professional and ethical practices in the Tampa area. I have the highest respect for his competency and abilities in the practice of law.

8. I have visited with Mr. Leon on numerous occasions and have had many discussions with him during which he has assured me to my complete satisfactions that he intends to conduct himself in an exemplary manner according to the accepted standards of The Florida Bar.

9. I have previously referred clients to Mr. Leon for legal representation and would not have the slightest hesitation to refer clients to him in the future. In addition, I may co-counsel with Mr. Leon should he again become a member of The Florida Bar and the opportunity arises.

10. I sincerely and unequivocally recommend that Richard E. Leon, Sr. for admission to The Florida Bar.

FURTHER AFFIANT SAYETH NAUGHT.

/s/ Ralph M. Guito, Jr., Esquire
Ralph M. Guito, Jr., Esquire

The aforegoing instrument was sworn to, subscribed and acknowledged before me this 11 day of October, 1993, by RALPH M. GUITO, JR., ESQUIRE, who is personally known to me or who has produced none needed as type of identification, and who did take an oath.

(SEAL)

/s/ Karen E. Guito
Signature of person taking acknowledgement

Karen E. Guito
Name of officer taking acknowledgement -- typed, printed or stamped

[SEAL]

Title or rank and Serial No., if any.

yr - 92793

BEFORE THE FLORIDA BOARD OF BAR EXAMINERS

IN RE: Application of RICHARD E. LEON, SR. for Admission to The Florida Bar — FILE NO. 61461

WITNESS AFFIDAVIT

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

Before me, the undersigned authority, personally appeared Thomas F. Granahan, who having been duly sworn deposes and says:

1. I reside in Tampa, Hillsborough County, Florida.

2. I am an attorney practicing in Hillsborough County. My business address is 1906 N. Tampa Street, Tampa, Florida, 33602.

3. I have known the Applicant, **RICHARD E. LEON, SR.** for approximately 31 years, as a result of both professional and social activities, including his legal representation in personal and business matters which I feel gives me the advantage of being totally candid in giving testimony as to **RICHARD E. LEON, SR.'s** unequivocal dedication, sincerity and love which he has always shown for and towards his family and friends.

4. I am aware of the disbarment from the practice of law of **RICHARD E. LEON, SR.** and of his conviction and sentence as a result of criminal prosecution. I understand the general nature of the allegations against Mr. Leon concerning his application for admission to the Florida Bar.

5. **RICHARD E. LEON, SR.** has at all times accepted the legal consequences of his conviction. I truly believe that **RICHARD E. LEON, SR.** has no ill will or feelings of malice toward those who criminally prosecuted him or prosecuted disciplinary proceedings.

6. **RICHARD E. LEON, SR.** has always demonstrated excellent character and moral standing and is a person of integrity and, in my opinion, will be an asset to the Florida Bar if allowed to once again practice law.

7. My knowledge of **RICHARD E. LEON, SR.'s** reputation within the community of Tampa and Hillsborough County, Florida is that of excellance [sic] for his honesty, truthfulness, ethics and good character.

8. I know his reputation in the community as being a competent and honest individual who is capable of practicing law in a competent manner.

9. **RICHARD E. LEON, SR.** has assured me to my satisfaction that he intends to conduct himself in an exemplary fashion in the future.

10. I have previously, and will in the future, refer clients to **RICHARD E. LEON, SR.** for representation in legal matters should he again become a member of the Florida Bar.

11. I recommend **RICHARD E. LEON, SR.** for admission to the Florida Bar without qualification.

FURTHER AFFIDAVIT SAYETH NAUGHT.

/s/ Thomas F. Granahan
Affiant

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

SWORN TO AND SUBSCRIBED before me, appeared Thomas F. Granahan on this 28th day of September, 1993.

[SEAL]

/s/ Janice J. Stinson
NOTARY PUBLIC OF THE STATE OF FLORIDA
My Commission Expires:
Janice J. Stinson

BEFORE THE FLORIDA BOARD OF BAR EXAMINERS

IN RE: Application of **RICHARD E. LEON, SR.** for Admission to The Florida Bar — FILE NO. 61461

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

Before me, the undersigned authority, personally appeared **LARRY E. SOLOMON** who having been duly sworn deposes and says:

1. I reside in Tampa, Hillsborough County, Florida.

2. I am an attorney practicing law in Tampa, Hillsborough County at 1505 N. Florida Avenue, Tampa, Florida 33602. I have been licensed to practice law in the State of Florida since December, 1973.

3. I have known the Applicant, **RICHARD E. LEON, SR.** for approximately 20 years as a result of both professional and social activities, which enables me to give testimony as to **RICHARD E. LEON, SR.'s** unequivocal dedication, sincerity and love which he has always shown his family and friends.

4. I am aware of **RICHARD E. LEON's** disbarment from the practice of law of **RICHARD E. LEON, SR.** and his conviction and sentence as a result of criminal prosecution. I understand the general nature of the allegations against **RICHARD E. LEON, SR.** concerning his application for admission to the Florida Bar.

5. At all times, **RICHARD E. LEON, SR.** has accepted the legal consequences of his conviction. I believe that **RICHARD E. LEON, SR.** has no ill will or feelings of malice toward those who criminally prosecuted him or prosecuted disciplinary proceedings.

6. I know **RICHARD E. LEON, SR.** to be of unimpeachable character and moral standing and a person of integrity. In my opinion, he is fit to practice law in the State of Florida.

7. I know of **RICHARD E. LEON, SR.'s** reputation within the community of Tampa and Hillsborough County, Florida to be excellent for honesty, ethics and good character.

8. I know of **RICHARD E. LEON, SR.'s** reputation in the community of Tampa and Hillsborough County, Florida, for competency and abilities in the practice of law and know that his reputation as a lawyer is excellent.

9. **RICHARD E. LEON, SR.** has assured me to my satisfaction that he intends to conduct himself in an exemplary fashion in the future.

10. In the future, refer clients to **RICHARD E. LEON, SR.** for representation in legal matters should he again become a member of the Florida Bar.

11. I recommend **RICHARD E. LEON, SR.** for admission to the Florida Bar without qualification.

FURTHER AFFIDAVIT SAYETH NAUGHT.

/s/ Larry E. Solomon
AFFIANT

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

SWORN TO AND SUBSCRIBED before me, appeared Larry E. Solomon on this 9th day of December, 1993.

/s/ Sylvia A. Buston
NOTARY PUBLIC OF STATE OF FLORIDA
My Commission Expires:

[SEAL]

REL.Aff

BEFORE THE FLORIDA BOARD OF BAR EXAMINERS

IN RE: Application of **RICHARD E. LEON, SR.** for Admission to The Florida Bar — FILE NO. 61461

WITNESS AFFIDAVIT

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

Before me, the undersigned authority, personally appeared **Peter N. Busto** who having been duly sworn deposes and says:

1. I reside in Tampa, Hillsborough County, Florida.

2. I am a **plumbing contractor** and in business at **1702 St. Louis St., Tampa, Florida 33607**.

3. I have known the Applicant, **RICHARD E. LEON, SR.** for approximately 45 years, as a result of both professional and social activities, including his legal representation in personal and business matters, which I feel gives me the advantage of being totally candid in giving testimony as to **RICHARD E. LEON, SR.'S** unequivocal dedication, sincerity and love which he has always shown his family and friends.

4. I am aware of the disbarment from the practice of law of **RICHARD E. LEON, SR.** and of his conviction and sentence as a result of criminal prosecution. I understand the general nature of the allegations against **Mr. LEON** concerning his application for admission to the Florida Bar.

5. **RICHARD E. LEON, SR.** has at all times accepted the legal consequences of his conviction. I truly believe that **RICHARD E. LEON, SR.** has no ill will or feelings of malice toward those who criminally prosecuted him or prosecuted disciplinary proceedings.

6. I know **RICHARD E. LEON, SR.** to be of unimpeachable character and moral standing, a person of integrity and to be person fit to practice law in the State of Florida.

7. I know of **RICHARD E. LEON, SR.'s** reputation within the community of Tampa and Hillsborough County, Florida, and know his reputation to be excellent for honesty, truthfulness, ethics and good character.

8. I know of **RICHARD E. LEON, SR.'s** reputation in the community of Tampa and Hillsborough County, Florida, for

competency and abilities in the practice of law and know that his reputation as a lawyer is excellent.

9. **RICHARD E. LEON, SR.** has assured me to my satisfaction that he intends to conduct himself in an exemplary fashion in the future.

10. I has previously, and will in the future, refer clients to **RICHARD E. LEON, SR.** for representation in legal matters should he again become a member of the Florida bar.

11. I recommend **RICHARD E. LEON, SR.** for admission to the Florida BAr [sic] without qualification.

FURTHER AFFIDAVIT SAYETH NAUGHT.

/s/ Peter N. Busto
AFFIANT

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

SWORN TO AND SUBSCRIBED before me, appeared Peter N. Busto on this 24th day of September, 1993.

/s/ Sue A. Rennick
Sue A. Rennick
NOTARY PUBLIC OF STATE OF FLORIDA
My Commission Expires:

BEFORE THE FLORIDA BOARD OF BAR EXAMINERS

IN RE: Application of
RICHARD E. LEON, SR. FILE NO. 61461
for Admission to
The Florida Bar

WITNESS AFFIDAVIT

STATE OF FLORIDA
COUNTY OF PASCO

Before me, the undersigned authority, personally appeared **SUSAN A. BOHM** who having been duly sworn deposes and says:

1. I reside at 7311 Milford Court, Hudson, Pasco County, Florida, 34667.

2. I am a Paralegal and am currently employed at the Law Offices of Demetrios Economou, P.A. 8152 Washington Street, Port Richey, Pasco County, Florida, 34668.

3. I have known the Applicant, RICHARD E. LEON, SR. for approximately seven (7) years. MR. LEON and I were co-workers while we were both under the employment of the Law Office of Beil & Hay, P.A., Hudson, Pasco County, Florida, and having worked with him in a professional capacity and having known him through social activities, I am able to be totally candid

in giving any testimony as to MR. LEON's dedication and respect to the field of law and to his personal characteristics as a person.

4. I personally know of RICHARD E. LEON, SR.'s legal educational background and personal experiences of the legal profession and his capabilities of providing adequate and competent legal representation in any and all personal and business matters.

5. I have personal knowledge of MR. LEON's genuine compassion, sincerity and love of his family and friends and his undeniable concern, respect and support of co-workers, clients and acquaintances.

6. I am fully aware of the disbarment from the practice of law of RICHARD E. LEON, SR. and of his conviction and sentence as a result of criminal prosecution thereof. I have been further advised and have a general understanding as to the nature of the allegations against RICHARD E. LEON, SR. with concern of his application for admission to The Florida Bar.

7. RICHARD E. LEON, SR. has at all times accepted the legal consequences of his conviction. I firmly believe that RICHARD E. LEON, SR. has no ill will or feelings of malice toward

those who criminally prosecuted him or to those who initiated and further prosecuted disciplinary proceedings.

8. I know RICHARD E. LEON, SR. to be of unimpeachable character and moral standing, a person of integrity and further, a person fit to practice law in the State of Florida.

9. I know of RICHARD E. LEON, SR.'s reputation within the community of Hudson and Pasco County, Florida, and know his reputation as being nothing short of excellent as to his honesty, truthfulness, professional attitude and fine judgment.

10. I know of RICHARD E. LEON, SR.'s reputation in the communities of Hudson and Tampa and the counties of Pasco and Hillsborough, for his competency and professional abilities in the practice of law and know that his reputation in the legal field is one of total respect.

11. RICHARD E. LEON, SR. has shown me to my complete satisfaction to always conduct himself in an exemplary fashion and I believe that he will continue to do so in the future.

12. I has previously, and will continue, should the need arise, refer clientele to RICHARD E. LEON, SR. for representation

in legal matters should he again become a member of The Florida Bar.

13. I recommend RICHARD E. LEON, SR. for admission to the Florida Bar without qualification.

FURTHER AFFIDAVIT SAYETH NAUGHT.

/s/ Susan A. Bohm
SUSAN A. BOHM, Affiant

STATE OF FLORIDA
COUNTY OF PASCO

I, HEREBY CERTIFY, that on this day, before me, an officer duly, authorized in the State aforesaid and in the County aforesaid to take acknowledgements, personally appeared SUSAN A. BOHM, to me known to be the person described in or who produced ____ ____ as identification and who executed the foregoing instrument and who acknowledged before me that he executed the same.

Witness my hand and official seal in the County an State last aforesaid this 14 day of October, 1993.

/s/ Thomas J. Karac
NOTARY PUBLIC
THOMAS J. KARAC
Printed Name of Notary
My Commission Expires: 9-30-95
My Commission Number is: C145198
[SEAL]

JAMES C. ADKINS
CHIEF JUSTICE (RETIRED)
SUPREME COURT OF FLORIDA

November 18, 1993

Florida Board of Bar Examiners
1300 East Park Avenue
Tallahassee, Florida 32399

Re: Richard E. Leon

Dear Gentlemen:

During the past twenty years I have had the opportunity to observe Richard E. Leon and considered him a good friend. His disbarment and conviction shocked me.

During all his problems I never heard him express any animosity toward any one because of this. He accepted the legal consequences of the conviction and disbarment. In fact he continues to express admiration for the Florida Bar and the Judiciary.

He now enjoys an excellent reputation in Hillsborough County. I think he is a man of high integrity who has profited from his misfortunes. In my opinion he is honest and competent, a fit person to be a member of The Florida Bar.

Please consider this as the highest recommendation.

Sincerely,

/s/ James C. Adkins
James C. Adkins

Sworn to and subscribed before me this 18th day of November, 1993.

/s/Hester H. Pennington [SEAL]
NOTARY PUBLIC of the State of Florida
My Commission Expires: Jan. 14, 1995

Hester H. Pennington COMM. #CC077380
JCA/hhp

930 BLACKWOOD AVENUE, TALLAHASSEE, FLORIDA 32303

DOCUMENT 20

Petitioner's Response to Specifications

BEFORE THE FLORIDA BOARD OF BAR EXAMINERS

IN RE: Application of **RICHARD E. LEON, SR.** for Admission to The Florida Bar — FILE NO. 61461

RESPONSE TO SPECIFICATIONS

Specification 1:

Admitted.

No defense offered. Criminal charges were pending at the time.

Specification 2:

Admitted.

All conditions of sentence completed. Civil Rights restored.

Full pardon granted by Governor and Cabinet.

Specification 3:

Admitted in part; Denied in part.

Prior to disciplinary proceedings before the Referee, **Applicant** and the Florida Bar stipulated to a factual basis of consideration only as to felony convictions, not removal from

office. There was no defense offered or specification charging removal from judicial office. See Referee Report.

Specification 4:

(A) Denied.

Applicant denies **Specification 4(A)** - that he continues with a pattern of dishonesty.

Applicant has already been tried on two Courts [sic] of Perjury. The statements made to the Board during the application process and during the investigative hearing are consistent with the statements made during the investigatory process prior to trial and consistent with the statements made during the trial.

It is difficult to understand how the statements made to the Board are false when they are consistent with the statements previously made.

It is also difficult to understand how the statements are lacking in candor for the same reasons.

Applicant appeared before the Board as a convicted felon and objects to this Board now retrying his perjury cases.

Wherefore, **Applicant** moves that **Specification 4 (A)** be dismissed.

Further, Applicant submitted to a polygraph examination at the direction of the trial judge; said polygraph did not demonstrate any deceit.

(B) Denied.

It is difficult to frame a responsive answer to a charge that **Applicant's** statement, "that he did not commit perjury" was false, misleading or lacking in candor because **Applicant** admitted that he was convicted of perjury.

The allegation that the statement was misleading is due to the misunderstanding of the non-attorney board member, who did not understand the difference between a statement made under oath and one not made under oath.

Further, **Applicant** submitted to a polygraph examination at the direction of the trial judge; said polygraph did not demonstrate any deceit.

Wherefore, **Applicant** moves for a dismissal of **Specification 4(B)**.

(c) Denied.

It is difficult to frame a response to **Specification 4(C)** without a transcript of the proceedings upon which this Specification is based; and considering that there was a lapse of approximately ten(10) years between the act of recantation and the posing of the question to the **Applicant**.

(D) Denied.

To properly respond to **Specification 4(D)**, it is requested that **Applicant** be furnished with a copy of the statement or the notes of the investigator from the Florida Parole Commission.

RICHARD E. LEON, SR.
Applicant

DOCUMENT 21

Excerpts from Transcript

Testimony of Richard E. Leon
pp. 204, 207

* * *

Q. Do you have with you any documentation of community service that you have done that was voluntary since you have been removed, disbarred?

A. I think I was disbarred in 1987. I went to medical school for three years. Bringing us to 1990. I worked in Hudson, Florida, for about a year. Came to Tampa. I had a serious automobile accident. I had back surgery. I had a disc removed. It's kind of hard to survive and do community service when you're hospitalized and disabled. And I think I've done well just to do the things that I've done, without seeking public aid or help.

* * *

Q. Mr. Leon, let's assume for the sake of the question that to the rest of the world, let's take away your friends and people who knew you personally, to the rest of the world as a convicted perjurer from 1982 up until you received a pardon, what have you done affirmatively to represent rehabilitation other than going to medical school and working, as every human being in our society is expected to do?

A. Are there any doctors on the Board? Going to medical school is not something you just say, hey, I'm going to medical school.

Q. Who did that help besides Richard Leon?

A. All the poor people that were in the Dominican Republic that I helped for four years working for free while I was in school.